



## **Torch Academy Gateway Trust Complaints Policy** **Procedure on the Handling of Concerns and Complaints**

### **Application:**

This policy applies to all concerns and complaints other than those relating to Child Protection issues or to cases where parents wish to appeal against a decision by the Head of School to permanently exclude a student. Separate procedures apply to each of these exceptional cases. This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010.

### **Timescales:**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Academy is open. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the Academy website.

### **Policy Aim and Statement**

#### **Aim:**

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

#### **Policy statement:**

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our academy culture. We intend that parents and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at school. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

### **Stage 1: Concerns and Difficulties**

**1. Concerns:** Most concerns, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, issues relating to other students or about a timetable clash or some other aspect of the Academy's systems or equipment.

**2. Notification:** Parents should raise the concern initially as follows:

**2.1 Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the Class Teacher, Tutor, Head of Year, SENCo or Performance Director, as appropriate.

**2.2 Pastoral care** – for concerns relating to matters outside the classroom, please speak or write to the Tutor or relevant Head of Year, as appropriate.

**2.3 Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the appropriate Head of Year, and if not resolved, with the Assistant Head of School (Student Welfare)

**2.4 Financial and administrative matters** – a query relating to charges or to other administrative matters should be raised either with the Finance Office (Finance) or with the School Leader (Curriculum).

**2.5** Should an informal concern or complaint be raised with a member of staff other than those designated at item 2.1 to 2.4 above, the concern should be redirected to the appropriate individual under this policy.

**3. Unresolved concerns:** A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

**4. Record of concerns:** In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## **Stage 2: Formal complaints**

**5. Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Academy policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details for the attention of the Head of School or, where the complaint is about the Head of School, or the Chair of Governors. Should a formal written complaint be received by another member of the Academy staff, this should be immediately passed it to the Head of School, or the appropriate SLT line leader.

**6. Acknowledgement:** Your complaint will be acknowledged by telephone or in writing normally within five working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

**7. Investigation and resolution:** The Head of School may deal with the matter personally or delegate a senior member of staff to act as “investigating officer.” The “investigating officer” may request additional information from the complainant and will fully investigate the issue. Following appropriate investigation the conclusions of the investigation will be shared with the complainant, either by telephone, in a meeting or in writing.

**8. Outcome:** The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within one calendar month from the receipt of the complaint. Please note that any complaint received during a School holiday or within one month of the end of term or half term may take longer to resolve.

**9. Record of complaints.** Written records will be kept of any meetings and interviews held in relation to the complaint.

## **Stage 3: Reference to the Governing Body**

**10. Notification:** If you are dissatisfied with the decision under Stage 2, your complaint may be renewed in writing to the Clerk to the Governing Body. You should write to the Clerk within five working days of receiving the decision. Your letter to the Clerk will be forwarded to the Governor responsible for complaints. You should give full details of your complaint and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged within five working days during term time, indicating the action that is being taken and the likely timescale.

**11. Action by the Governing Body:** A member of the Governing Body who has dedicated responsibility for academy complaints will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the Governor is satisfied that he has established all the material facts and relevant policies, so far as is practicable, he will notify you in writing of her decision and the reasons for it. He will aim to provide a response within fifteen working days of receiving your letter but will inform the parents if this timescale will need to be increased. If you are not satisfied with the Governor's decision you may ask for the complaint to be referred to the Review Panel, by writing to the Clerk to the Governing Body (see paragraph 16 below).

#### **Stage 4: Reference to the Review Panel**

**12. Notification:** Only if you have been through the earlier stages of this procedure, and are dissatisfied with the decision that has been notified to you by the Complaints Governor, you may request a final hearing by a Review Panel. To request a hearing before the Review Panel, please write to the Clerk to the Governing Body within five working days of the decision you wish to review. Your request will only be considered if you have completed the relevant procedures at Stages 1-3. Please ensure that copies of all relevant documents accompany your letter and state all the grounds for your complaint and the outcome that you desire. The Clerk to the Governing Body will acknowledge your request in writing within five working days.

**13. Review Panel:** The review will be undertaken by a panel of at least three members appointed on behalf of the Governing Body and selected by the Clerk to the Governing Body. The Panel members will have no detailed previous knowledge of the case, will not include the Governor responsible for Complaints, and one member will be independent of the management and running of the Academy.

**14. Convening the Panel:** The Clerk to the Governing Body will convene the Review Panel as soon as is reasonably practicable but the Panel will not normally sit during school holidays.

**15. Notice of hearing:** Every effort will be made to enable the Panel hearing to take place within 15 working days of the receipt of your request. As soon as reasonably practical and in any event at least five working days before the hearing, the Clerk to the Governing Body will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present.

**16. Attendance:** You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend, who should not be legally qualified. Your child aged 13+ may attend part or all of the hearing at the discretion of the Chair. The Clerk to the Governing body or nominated deputy will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to the Governing body at least three clear days prior to the hearing.

**17.** The Chair of the Review Panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

**18. Adjournment:** The Chair of the Panel may at his/her discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal or other advice.

**19. Decision:** After due consideration of the matters discussed at the hearing, the Panel shall reach a decision. The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to you by letter or electronic mail where appropriate within ten working days.

**20. Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a panel hearing. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of Schedule 1 to the Education (Independent College Standards) (England) Regulations 2010, that is where access is requested by the Secretary of State or where disclosure is required in the course of an Academy's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed after a three year period. In exceptional circumstances some details will be retained for a further period as necessary.

### **Equality Duty**

*This policy has been reviewed in the context of Equality Impact and assessed as: Neutral*

*This policy was reviewed in: April 2013*

*Name of Reviewer: Mr J Taylor*